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Attorneys for Plaintiffs

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

JUDY OXFORD, Individually, as  
Wrongful Death Heir, and as  
Successor-in-Interest to CALVIN  
OXFORD, Deceased; and CHRIS  
OXFORD and JENNIFER OXFORD, as  
Legal Heirs of CALVIN OXFORD,  
Deceased; and,

CAROLYN ANN WILLIAMS,  
Individually, as Wrongful Death Heir, and  
as Successor-in-Interest to ROY  
WILLIAMS, Deceased; and YVETTE  
MCLEMORE-WILLIAMS as Legal Heir  
of ROY WILLIAMS, Deceased,

Plaintiffs,

vs.

GENERAL ELECTRIC COMPANY,  
TODD SHIPYARDS CORPORATION,  
LOCKHEED SHIPBUILDING  
COMPANY, and DOES 1-300,

) )  
No. C05-4946 SI  
JOINT MOTION AND STIPULATION TO  
STAY PROCEEDING OR, IN THE  
ALTERNATIVE, TO CONTINUE CASE  
MANAGEMENT DEADLINE AND  
CONFERENCE, AND TO EXTEND TIME;  
[PROPOSED] ORDER TO STAY;  
[PROPOSED ALTERNATIVE] ORDER  
TO CONTINUE

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Defendants.

Pursuant to Civil L. R. 7-11 and 7-12, the following parties hereby stipulate to, and respectfully move the Court for, an Order extending time as set forth in the *Order Setting Initial Case Management Conference* filed November 30, 2005 (Document 2), for the following good cause:

1           On January 10, 2006, Defendant GENERAL ELECTRIC COMPANY filed Document 8,  
 2 a Notice to Tag Along Action regarding the pending Multidistrict Litigation (“MDL”) in the  
 3 Eastern District of Pennsylvania, seeking among other things, to move Jurisdiction of this matter  
 4 to that District. On January 13, 2006, Defendant TODD SHIPYARDS CORPORATION filed  
 5 Document 10, a similar Notice to Tag Along Notice.

6           On July 29, 1991, the Judicial Panel on Multidistrict Litigation (“JPML”) entered an  
 7 order transferring all asbestos personal injury cases pending in the federal courts to the United  
 8 States District Court for the Eastern District of Pennsylvania, for coordinated pretrial  
 9 proceedings pursuant to 28 U.S.C. § 14097. That order also applies to “tag-along actions,” or  
 10 actions involving common questions of fact filed after January 17, 1991. Such actions are to be  
 11 transferred to the eastern District of Pennsylvania as part of MDL 875, for coordinated pretrial  
 12 proceedings.

13           The JPML has held that a district court has the authority to stay pending a transfer order.  
 14 *In re Asbestos Products Liability Litigation*, 170 F. Supp. 2d 1348, 1349 n.1 (J.P.M.L. 2001)  
 15 (“[T]hose courts concluding that such issues should be addressed by the transferee judge need  
 16 not rule on them, and the process of 1407 transfer in MDL-875 can continue without any  
 17 unnecessary interruption or delay.”)

18           The parties agree that it is likely that the JPML will transfer this matter to the Eastern  
 19 District of Pennsylvania.

20           However, to date, the Clerk of the JPML has not entered a *Conditional Transfer Order*  
 21 pursuant to JPML Rule 12(a) or filed an order to show cause why the action should not be  
 22 transferred, pursuant to JPML Rule 13(b).

23           It is likely the dates set forth in the *Order Setting Initial Case Management Conference*  
 24 filed November 30, 2005 (Document 2), including the deadlines imposed by Federal Rules of  
 25 Civil Procedure 26, will come to pass before the Clerk of the JPML acts.

26           In addition, it has come to the attention of counsel that the Judge assigned to hear the  
 27 cases pending in MDL 875, the Honorable Charles R. Weiner of the Eastern District of  
 28 Pennsylvania, passed away on November 9, 2005 and that the Clerk of that Court has reported a

backlog in cases transferred to that Court by the MDL panel.

The parties make this Motion on the grounds that a stay of this action would (a) promote judicial efficiency, (b) allow consistency in pretrial rulings, and (c) be most convenient to the parties.

Due to the pending action by the Clerk of the JPML, the parties hereby STIPULATE to and respectfully request the Court VACATE its *Order Setting Initial Case Management Conference* filed November 30, 2006 (Document 2), and that the Court issue an Order STAYING this action pending the outcome of the MDL Panel's decision on the merits of the transfer.

In the alternative, the parties hereby STIPULATE to and respectfully request that the dates set forth in the *Order Setting Initial Case Management Conference* filed November 30, 2005 (Document 2), be vacated and continued pending the outcome of the JPML's decision on the merits of the transfer. Specifically, these deadlines include the **March 10, 2006** deadline to meet and confer, and file Joint ADR Certification, the **March 24, 2006** Deadline to complete Initial Disclosures, the **March 24, 2006** deadline to file the Joint Case Management Statement and the Case Management Conference currently set for **March 31, 2006**.

17 || Dated: February 28, 2006

BRAYTON PURCELL LLP

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/s/ David R. Donadio

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By: \_\_\_\_\_  
David R. Donadio  
Attorneys for Plaintiffs

22 | Dated: February 24, 2006

SEDGWICK, DETERT, MORAN &  
ARNOLD, LLP

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/s/ Damon McClain

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By: \_\_\_\_\_  
Damon McClain  
Attorneys for Defendant  
**GENERAL ELECTRIC COMPANY**

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1 Dated: February 25, 2006

KNOTT & GLAZIER LLP

2 /s/ Laura Patricia Yee

3 By:

4 Laura Patricia Yee  
5 Attorneys for LOCKHEED MARTIN  
6 CORPORATION

7 Dated: February 27, 2006

YARON & ASSOCIATES

8 /s/ D. David Steele

9 By:

10 D. David Steele  
11 Attorneys for TODD SHIPYARDS  
12 CORPORATION

13 [PROPOSED] **ORDER TO STAY**

14 IT IS HEREBY ORDERED that the hearing date and deadlines specified in the *Order*  
15 *Setting Initial Case Management Conference* filed November 30, 2005 (Document 2), are  
16 hereby VACATED and that this action is STAYED pending the outcome of the JPML's decision  
17 on the merits of the transfer.

18 Dated: \_\_\_\_\_



19 Susan Illston  
20 United States District Court Judge

21 [PROPOSED ALTERNATIVE] **ORDER TO CONTINUE**

22 IT IS HEREBY ORDERED that the hearing date and deadlines specified in the *Order*  
23 *Setting Initial Case Management Conference* filed November 30, 2005 (Document 2), are  
24 hereby VACATED.

25 IT IS FURTHER ORDERED that the following case management deadlines are  
26 continued as follows:

27 1. Last day to meet and confer re initial disclosures, early settlement, ADR process  
28 selection, and discovery plan is [set for a date on or after July 15, 2006 to wit:] \_\_\_\_\_,  
2006;

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2       2.     Last day to file Joint ADR Certification with Stipulation to ADR process or  
3 Notice of Need for ADR Phone Conference is [set for a date on or after July 15, 2006 to wit:]  
4 \_\_\_\_\_, 2006;

5       3.     Last day to complete initial disclosures or state objection to Rule 26(f) Report,  
6 file/serve Case Management Statement and file/serve Rule 26(f) Report is [set for a date on or  
7 after July 15, 2006 to wit:] \_\_\_\_\_, 2006; and

8       4.     The Case Management Conference is [set for a date on or after July 15, 2006 to  
9 wit:] Friday, \_\_\_\_\_ 2006 at 2:00 p.m., Courtroom 10 , 19th Floor, 450 Golden Gate  
10 Avenue, San Francisco, California.

11 Dated: \_\_\_\_\_

12 \_\_\_\_\_  
13 Susan Illston  
United States District Court Judge

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